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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,044	06/07/2006	Enrico Filippi	163-708	9256
7590	12/17/2007		EXAMINER	
James V Costigan Hedman & Costigan 1185 Avenue of the Americas New York, NY 10036-2601			DEUBLE, MARK A	
			ART UNIT	PAPER NUMBER
			3651	
			MAIL DATE	DELIVERY MODE
			12/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/582,044	FILIPPI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark A. Deuble	3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) 4-7 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the rolling mill" in 7. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by the admitted prior art discussed on page 2 of the specification.

As the applicant points out on page 2 of the specification, a typical roller oven has a series of motorized rollers, each of which is equipped with a motor reducer capable of activating its rotation at any pre-established rate by means of a control and regulation device and a frequency converter both connected to the motor reducer in order to advance one or more flat blooms. Thus the typical roller oven has all the structure required by claim 1.

It is recognized by the examiner that the control and regulation unit is not disclosed as cleaning at least one roller causing the detachment of flakes of oxide therefrom by scraping it against a flat bloom with a variation in the rotation rate and/or direction of the rotation rate. However, the control and regulation device would inherently be capable of causing the detachment of flakes of oxide therefrom by scraping it against a flat bloom with a variation in the rotation rate and/or direction of the rotation rate and therefor it meets the intended use recitation of the claim.

5. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by German document number DE 34 10 066 A1.

The German document shows a roller system which could be used in an oven conveying flat blooms with a series of motorized rollers, each of which is in turn connected to a relative motor reducer for rotation, activation, in turn connected to a relative frequency converter driven by a respective control. The system includes a regulation and control unit 25 that can independently control the rotation rate and direction of each of roller in a series of rollers through a field bus 5-7 connecting the control and regulation unit to each control and activation device. Thus the German document shows all the structure required by claims 1-2.

It is recognized by the examiner that the control and regulation unit is not disclosed as cleaning at least one roller causing the detachment of flakes of oxide therefrom by scraping it against a flat bloom with a variation in the rotation rate and/or direction of the rotation rate. However, the control and regulation device would inherently be capable of causing the detachment of flakes of oxide therefrom by scraping it against a flat bloom with a variation in the

rotation rate and/or direction of the rotation rate and therefor it meets the intended use recitation of the claim.

6. Claims 3 is rejected under 35 U.S.C. 102(b) as being unpatentable over Banfield (U.S. Patent No. 1,741,494).

Banfield discloses a roller cleaning process of a roller oven F with a series of rollers 1-2 which could be activated independently of each other by means of activation devices. The process includes the step of activating the rotation of several rollers with a direction rate so as to cause the scraping of the rollers against a flat steel structure 3-7 so as to remove flakes of oxide from the rollers. Thus Banfield shows all the steps required by claim 3.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over German document number DE 34 10 066 A1 or the prior art of page 2 of the specification in view of Banfield.

The German document and the prior art discussed on page 2 of the specification both have generally the structure required by claims 1-2, but they do not disclose the step of activating the rotation of at several rollers with a direction rate so as to cause the scraping of the rollers against a flat steel structure so as to remove flakes of oxide from the rollers. Banfield teaches that the rollers of a roller oven may be rotated against a flat steel structure to advantageously

remove flakes therefrom an avoid damage to the conveyed articles. Therefore it would have been obvious to one of ordinary skill in the art to activating the rotation of several rollers of the German document and the prior art of page 2 with a direction rate so as to cause the scraping of the rollers against a flat steel structure 3-7 so as to remove flakes of oxide from the rollers.

***Allowable Subject Matter***

9. Claims 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Deuble whose telephone number is (571) 272-6912. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark A. Deuble  
Primary Examiner  
Art Unit 3651

md

